

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JAMES E. MUGAN,

Civil Action No.: 09-CV-6711 (NRB) (FM)

Plaintiff,

-against-

DECLARATION OF  
JUAN M. MENDEZ

HARTFORD LIFE GROUP INSURANCE  
COMPANY,

DOCUMENT  
ELECTRONICALLY FILED

Defendant.

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JUAN M. MENDEZ, pursuant to 28 U.S.C. §1746(2) declares under penalty of perjury the following:

1. I am currently employed as an Appeal Specialist in the Appeals Unit for Hartford Life Insurance Company ("Hartford"). I was personally involved in the review of James E. Mugan's long-term disability ("LTD") claim on administrative appeal, which included review of the applicable plan documents and the administrative record.
2. This Declaration is respectfully submitted in support of defendant Hartford's motion for summary judgment.
3. I have reviewed Exhibit "A" to the Affirmation of Scott M. Reimer ("Reimer Affirmation") dated June 25, 2010, which I understand contains redactions of certain private information that are required to be made prior to filing with the Court. Those redactions do not appear in the file I reviewed, nor do the Bates stamp numbering on the bottom of the documents. With those two exceptions, I declare that:

(a) A true and correct copy of the group policy for policy no. 83127140 issued by Hartford Life Group Insurance Company to Cantor Fitzgerald and eSpeed for the Group Long Term Disability Plan (the "Plan"), which is maintained by Hartford in the normal and ordinary course of its business, and was reviewed by me in connection with Mugan's claim, Bates Stamped MUGAN 000001 through MUGAN 000072, is annexed as Exhibit "A" to the Riemer Affirmation; and

(b) Also annexed to the Riemer Affirmation as Exhibit "A" is a true and correct copy of the documents contained in Hartford's claim file pertaining to Mugan's LTD benefits claim, Bates Stamped MUGAN 000073 through MUGAN 000632, which is maintained by Hartford in the normal and ordinary course of its business, and which was reviewed by me in connection with Mugan's claim.

4. The LTD Plan and the claims file constitute the administrative record kept and maintained by Hartford in the normal and ordinary course of its business in connection with Mugan's claim for continuing LTD benefits under the Plan.

5. The decision to deny plaintiff Mugan's claim for continuing LTD benefits was not motivated by self-interest or by a desire to avoid paying benefits. Rather, the decision was based entirely on the governing terms and provisions of the LTD Plan and the information contained in the administrative record pertaining to Mugan's claim for benefits.

6. In reaching my decision on appeal as set forth in my letter dated April 14, 2009, I considered all documents and information submitted by or on Mugan's behalf in support of his claim or otherwise obtained by Hartford during both the initial claim review and upon his administrative appeal.


7. During my review of Mugan's denied claim on administrative appeal, I did not discuss the claim with the original Ability Analyst, Beverly Gilchrist, who made the initial benefits determination, or her supervisors.

8. During my review of Mugan's denied claim on administrative appeal, I did not consider the financial impact of denying or approving his claim, or discuss that issue with anyone who works in Hartford's financial or underwriting departments.

9. As an Appeals Unit member at Hartford, I did not receive any remuneration, bonus, award, recognition or other incentives to deny LTD claims. My performance evaluations were based on the accuracy of my decision-making regardless of whether my decision resulted in an award or denial of benefits on the claims I reviewed.

I declare under penalty of perjury that the foregoing  
is true and correct.

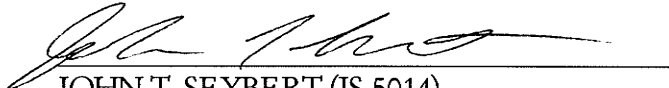
Dated: July 19, 2010

  
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JUAN M. MENDEZ

CERTIFICATE OF SERVICE

I, JOHN T. SEYBERT, hereby certify and affirm that a true and correct copy of the attached DECLARATION OF JUAN MENDEZ was served via ECF on this 23rd day of July 2010, upon the following:

Scott M. Riemer Esq.  
RIEMER & ASSOCIATES  
60 East 42nd Street, Suite 1750  
New York NY 10165  
Business Phone: (212) 297-0700  
Business E-mail: sriemer@riemerlawfirm.com

  
JOHN T. SEYBERT (JS 5014)

Dated: New York, New York  
July 23, 2010